

Message

From: Marshall, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
Sent: 4/19/2017 10:38:03 PM
To: Tomiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d67fe354a4d06be80afa6eb65e614-Tomiak, Rob]
CC: Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]
Subject: RE: R9 weekly report

Hi, Rob. I'll be out of pocket the rest of the evening, shortly, but just got off the phone with Kathy Goforth. Her working view, purely on that call, is that the referral letter they drafted in the summer, which I'll try to rummage up in case you don't have that, is up to date. She indicated that they were under the impression that CEQ was seeking to re-work all this, in light of previous, past FS commitments. I indicated that my impression from our talking with Ted briefly on Monday was that his efforts didn't bear fruit.

I propose we discuss at 9 tomorrow the nuances, to the extent there are any, that I just gleaned from Kathy (and Elaine). More in a second re: the draft referral letter. Thanks.

Tom Marshall
Acting Deputy Division Director
Office of Federal Activities
Office of Enforcement, Compliance, and Assurance
202.564.5549

From: Tomiak, Robert
Sent: Wednesday, April 19, 2017 6:30 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Re: R9 weekly report

If referral, we need a draft letter by COB tomorrow to start staffing/vetting here.

Rob

On Apr 19, 2017, at 6:13 PM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

Including Mindy and John from OW. If you are leaning toward referral, we can't wait until next week. I suggest a coordination call with us and OW soonest to lay out your thoughts and options.

Thanks, Rob

On Apr 19, 2017, at 5:38 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

Jason reports that the groundwater technical meeting yesterday was a rehash of existing information. Nothing new was presented. We will be updating our RA on Friday. We will try to set up a briefing for you on this early next week and would be happy to have anyone from OW also participate.

Kathleen H. Johnson

Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Tomiak, Robert
Sent: Wednesday, April 19, 2017 6:51 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>;
Marshall, Tom <marshall.tom@epa.gov>
Subject: RE: R9 weekly report

Kathleen,

We need an update please. I have conferred with our OW counterparts, and can share that outcome as well. Let's set up a coordination call/brief for this afternoon, or tomorrow morning your time.

Thanks, Rob

From: Johnson, Kathleen
Sent: Monday, April 17, 2017 1:05 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>
Subject: RE: R9 weekly report

Also, FYI, we do not believe that the Army Corp is necessarily moving toward granting the permit. That is yet to be seen. Also, please note that the sufficiency of the mitigation proposed has been the central issue we have been discussing on this matter for over three years.

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From: Strauss, Alexis
Sent: Monday, April 17, 2017 9:56 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: R9 weekly report

I suggest involving the Water programs (Tomas Torres, Jason Brush) after this week's Rosemont meeting, when new info is available. I don't need to be part of that update.

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Tomiak, Robert
Sent: Monday, April 17, 2017 9:52 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: R9 weekly report

Alexis/Kathleen,

Thanks for sharing the update. I think your staff did a great job of cuing up the issues; however, I am concerned that the suggestion of referral is not on solid ground and potentially not the position we should be advocating to the political team. With a final biological opinion from USFWS and the expectation that the USACE will issue a 404 permit, perhaps the focus should instead be on what we believe it would take to alleviate our remaining significant concerns, such as specific mitigative measures that we want to see incorporated.

Larry and I think it would be helpful for a quick coordination call on this. What is your availability today?

Thanks, Rob

From: Strauss, Alexis
Sent: Monday, April 17, 2017 12:06 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: R9 weekly report

From: Strauss, Alexis
Sent: Thursday, April 13, 2017 5:08 PM
To: Weekly Report Group <Weekly_Report_Group@epa.gov>
Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: R9 weekly report

HOT ISSUES

1. **SAN DIEGO / TIJUANA SEWAGE SPILL: (FYI) next Wednesday, April 19, federal and state agency executives will join me in EPA's Reg. 9 office to review the recently issued International Boundary and Water Commission's report regarding the massive sewage spill from Tijuana to San Diego earlier this year. IBWC Commissioner Drusina, CalEPA Secretary Rodriguez, the Border Environmental Cooperation Commission general manager, the No. American Development Bank, and CA Congressional offices staff plan to**

participate. Our goal is to agree upon and implement recommendations to improve interagency coordination (notification, response, financing) regarding wastewater/stormwater impacts from Mexico into US waters.

2. **ROSEMONT (AZ) COPPER MINE: (FYI)** next Tuesday, April 18 in Phoenix, EPA will join the US Forest Service and the Corps of Engineers to discuss water quality and other issues related to the proposed Rosemont copper mine, which we have reviewed under NEPA and CWA. The Forest Service will issue its Record of Decision in May, the Corps its CWA 404 decision some time thereafter. CEQ has been coordinating the multi-agency engagement. I attach a one-page briefing paper and will update Ken W, OW and OECA when EPA decision time nears.

KEY DECISIONS/ACTIONS: (FYI, no Administrator action sought)

1. **AQUIFER EXEMPTION (SDWA UIC), KERN COUNTY, CA:** next week I'll approve the State of California's request for expansion of an existing SDWA aquifer exemption in the Mt. Poso oil field (Kern County, CA). The state sought the EPA exemption based on the required determination that the aquifer doesn't serve as a drinking water source now or in the future, due to the presence of oil in the aquifer. This is our fourth approval in recent months, following a very prompt and thorough technical review in under 60 days.
2. **APPROVE ARIZONA REGIONAL HAZE SIP:** next week I plan to sign a Federal Register notice approving the Arizona Regional Haze State Implementation Plan. This action provides an alternative to best available retrofit technology for the Coronado Generating Station, and proposes to withdraw the Regional Haze Federal Implementation Plan for Coronado.
3. **COACHELLA OZONE:** next week I plan to sign a Federal Register notice giving final approval of the Coachella Valley (So. California) plan to attain the 1997 ozone standard.

HIGHLIGHTS OF THE PAST WEEK

1. **PBF REFINERY (CAA 112r):** following our issuance of our CAA 112 r Notice of Findings, we met this week with the company. PBF has taken ownership of many of our findings and made changes. There were a few instances in which they thought we just needed more information to be assured of their compliance. In other areas, they acknowledged a gap or deficit in their program and were in the process of identifying ways to fix them. The principal area of disagreement relates to the required analysis of a worst-case scenario, and the accompanying "offsite consequences analysis" of a potential hydrofluoric (HF) acid release. Use of HF is significant, it's the foremost community issue, and is not easily replaced. We will continue to engage with the company and involve OLEM in future discussions.
 2. **BAY AREA EMISSIONS BANKING RULE:** we received an extension of the consent decree deadline from May to November, which may suffice to enable the Bay Area Air Quality Management District to make the needed permit rule revisions for full EPA approval.
 3. Thanks to Ken Wagner for a very pleasant and informative visit last Tuesday. We covered many topics and set the agenda for his return. All our materials are on the ORO sharepoint site.
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PUBLIC EVENTS

Brownfields / City of Phoenix, AZ: (FYI) on April 19th and 20th we'll participate in two Brownfield events in Phoenix, to celebrate completion of 171,640 sq ft industrial warehouse space on a 10-acre brownfields property where the Phoenix Police Department leases 43,200 sq ft . EPA provided \$350K in 2000, working with partners (AZ Dept.of Environmental Quality, the City of Phoenix, and private industry) to remove over 6,000 tons of waste from an abandoned metal salvage yard in this EJ community. The second event will celebrate the completion of the Quincea Working Group Food Hub, which will provide a significant influx of freshly harvested food products into the South Phoenix community, a USDA-designated Food Desert. Quincea will educate and train community members on nutrition and cooking via a demonstration farm, a food hub, and a farm stand where products will be sold and SNAP payment accepted. Agricultural vocational training, employment opportunities, and entrepreneurial mentorship will be provided to developmentally disabled adults and veterans. The City of Phoenix used \$24K of EPA Brownfields grant funding to complete this project.

Brownfields / City of National City, CA: (FYI) on April 18, we'll attend a community event to celebrate transforming a former brownfield site into homes for hundreds of families, while protecting a nearby wetland and creating a new park. The City used a \$400,000 USEPA brownfields grant to assist with the remediation, adding over \$21M in redevelopment funds and leveraging an additional \$60M in State and other funds to complete the project. The project marks one of the largest investments and most significant increases in residential use in the City. We'll give you ample notice of an event next year: groundbreaking for the new park.

Kind regards,
Alexis

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